

**PART I**



**GOVERNMENT OF KERALA**

**Labour and Rehabilitation (E) Department**

**NOTIFICATION\***

G O. (P) No. 80/2004/LBR. *Dated, Thiruvananthapuram, 10th December, 2004.*

The Government of Kerala hereby make the following scheme for the constitution of a Fund for the welfare of the workers engaged in the automobile workshops in the State of Kerala and for the self employed persons who have accepted jobs related to workshops and for matters connected therewith, namely:—

**THE KERALA AUTOMOBILE WORKSHOP WORKERS'  
WELFARE FUND SCHEME—2004**

**CHAPTER—1**

1. *Short title extent and commencement.*—(1) This Scheme may be called the Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004.

- (2) It extends to the whole of the State of Kerala.
- (3) It shall come into force at once.

2. *Definitions.*—In this scheme, unless the context otherwise requires,—

(a) 'Board' means the Kerala Motor Workers' Welfare Fund Board constituted under section 6 of the Kerala Motor Workers' Welfare Fund Act, 1985;

(b) 'Chief Executive Officer' means the Chief Executive Officer appointed under sub-section (1) of section 7 of the Kerala Motor Workers' Welfare Fund Act, 1985 and specified in sub-section (b) of section 2;

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\*English Translation of the Notification No. G.O. (P) 80/2004/LBR dated 10th December, 2004.

(c) 'Contribution' means the sum of money payable to the welfare fund under para 6 of the scheme;

(d) 'District Executive Officer' means the District Executive Officer or the Additional District Executive Officer appointed under section 7 of the Kerala Motor Workers' Welfare Fund Act, 1985;

(e) 'Worker' means and includes the person appointed in the automobile workshops in Kerala directly or through agents for doing any job connected with workshop jobs on wage, commission basis or any kind of remuneration and related to automobile industry for livelihood i.e. mechanic, driver, cleaner, fitter, electrician, tyremen, turner, battery man, painter, welder, greeserman, vulcanizer, spray-painter, workshop attender who are related with the repairing of motor vehicles and maintenance of motor vehicles and its parts and carpenters related to body building, black smiths, helpers, office staff, self-employed persons mentioned in para 2(m) and those workers included from time to time by the Government through Notification, but worker coming under the definition in the Kerala Motor Workers' Welfare Fund Act, 1985 is not included;

(f) 'Employer' means a person who is having ownership of automobile workshop or connected establishment specified in para 2(g) or person who or is having possession or management or license of an establishment;

(g) 'Employment establishment' means automobile workshop service station, body building workshop of vehicles, tube vulcanizing shop or automobile workshops or for doing any work related to it, appoints one or more workers directly or not by any person, or a company, a firm, an association of persons, Co-operative society registered or deemed to be registered under the Co-operative Society Act, 1969, charitable society and any establishment included by the Government through Gazette notification, from time to time, but does not include the establishments under the control of the Government of Kerala or Central Government;

(h) 'Fund' means the 'Kerala Automobile Workshop Workers' Welfare Fund' constituted under this scheme;

(i) 'Licensee' mean a person who has obtained 'licence' from a competent authority for the management of establishment as referred to in para 2 (g);

(j) 'Member' means person registered as a member in the Fund under the provisions of this scheme;

(k) 'Possessor' means person having any kind of authority over an establishment as referred in para 2 (g) under an agreement, or on rent or on the basis of a contract;

(l) 'Proprietor' means owner of an establishment referred to in para 2 (g) or person having complete control in the management of the establishment;

(m) 'Self employed person' means, a person other than a worker in the automobile workshop or any establishment related to this as referred in para 2 (g) and a person who accepts jobs related to automobile industry for livelihood;

(n) 'Family' means, in respect of a member, wife, husband, minor children, unmarried daughters and parents who depend upon the member;

(o) 'Scheme' means, the Kerala Automobile Workshop Worker's Welfare Fund Scheme;

(p) 'State' means the State of Kerala;

(q) 'Year' means financial year for financial matters and calender year for the period of membership;

(r) If any dispute or doubt arises in respect of the meaning or interpretation of words or expressions used, in this scheme, but not defined the same shall be referred to the Government or an officer authorised by the Government, whose decision thereon shall be final.

## CHAPTER-2

3. *Administration of the Fund.*—The appropriation and administration of the Fund of the Kerala Automobile Workshop Worker's Welfare Fund Scheme shall be vested with the Kerala Motor Worker's Welfare Fund Board constituted under section 6 of the Kerala Motor Worker's Welfare Fund Act, 1985.

4. *Governing body.*—The Governing body of the scheme, shall consist of the following members,—

(a) two members nominated by the Government representing the employers;

- (b) two members nominated by the Government representing the workers;
- (c) two members nominated by the Government representing the self employed persons;
- (d) a member of the Motor Workers Welfare Fund Board representing the Finance Department of the Government of Kerala;
- (e) the Chairman and the Chief Executive Officer of the Kerala Motor Workers Welfare Fund Board shall be the Chairman and Secretary (Chief Executive Officer) of the Governing body of the Kerala Automobile Workshop Worker's Fund Scheme.
- (f) the term of the committee shall be three years.

5. *Appointment of officers and staff.*—(a) The Chief Executive Officer and staff appointed under section 7 of the Kerala Motor Workers' Welfare Fund Act, 1985 shall be the Chief Executive Officer and staff of the Kerala Automobile Workshop Workers Welfare Fund Scheme.

- (b) Prior permission of the Government shall be obtained, if more posts have to be created for the implementation of this scheme.

6. *Contribution to the Fund.*—(a) Contribution to the fund by the workers registered as members in the Scheme shall be Rs. 20 per month.

- (b) The contribution of the employer for each worker, registering as a member of the scheme shall be Rs. 10 per month.
- (c) The contribution of the self employed person to the Fund, registering as member of the scheme shall be Rs. 30 per month.
- (d) An amount equal to 10% of the total contribution received to the Fund for one year, from the members registering in the scheme except those who are self employed shall be given as grant to the Fund by the State Government.
- (e) The Government grant shall be given only on production of the audited accounts.
- (f) The Government shall not undertake any other liabilities.

## CHAPTER-3

7. *Qualifications for getting membership in the scheme.*—(a) A worker defined in para 2 (e) of the scheme, who in between the age of 20 and 54 years and self employed person defined in para 2 (m) are eligible to be registered as member.

(b) Those who are in between the age of 20 years and 54 years shall submit application for registration as member within one year from the date of commencement of this scheme. Those who are above the age of 35 years shall not be eligible to become member after one year. In the case of persons who are in between the age group of 20 and 35 and not submitted the application, within one year, the delay in submitting the application shall be explained and the Governing body may take a suitable decision on the same.

8A. *Procedure to register as member.*—(1) Those workers and self employed persons who desires and are eligible to become members of this scheme shall submit the application in Form No. 1 (2 copies) before the District Executive Officer or Additional District Executive Officer in the District they are working. Along with the application, two recently taken passport size photos, certificate of employment attested by either of the employer, Secretary/President of the employers Association, Member of Legislative Assembly/Member of Parliament of the place, Secretary of the Local Self Government Institution or a Gazetted Officer and Rs. 25 as registration fee shall also be given along with the application.

(2) Under sub para (1), the worker and the self employed person shall give the duly filled, signed nomination in 'Part B' along with the application in Form 1. But, a worker on getting married shall file a new nomination since the existing nomination stands lapsed to *suo motu*. Nobody other than wife or children shall be newly nominated if they are alive.

(3) In order to prove the age, true copy of the school certificate, certificate issued by the Registrar of Birth and Death or true copy of the identity card issued by Election Commission shall be produced along with the application as a basic document.

(4) Immediately on receipt of the application, the concerned District Executive Officer/Additional District Executive Officer shall, scrutinise the applications and after ascertaining the matters specified in the application shall pass orders either approving or rejecting the same and communicate the order in Form No. 2 or Form No. 3 to the applicant and the employer within 15 days.

B. *Registration of Employment Establishment.*—(1) The owner of an establishment and the self employee as defined in sub-para (g) of para 2 shall file an application for registration in Form No. 4 along with the registration fee of Rs. 100 to the concerned District Executive Officer/Additional District Executive Officer.

(2) Immediately on receipt of the application the concerned District Executive Officer/the Additional District Executive Officer shall scrutinise the application and ascertain the matters mentioned in the application and issue certificate in Form No. 5 as an evidence of Registration of the establishment. The employer shall keep the said certificate in his establishment.

(3) Registration Certificate shall have the validity till 31st day of December of that year and shall be renewed each year. In order to renew as such a sum of Rs. 25 along with the existing certificate shall be submitted to the concerned District/Additional District Executive Officer before the 31st day of January and shall obtain the renewed certificate.

(4) If the above certificate in Form 5 has been lost or destroyed, duplicate certificate shall be sanctioned and issued on submitting separate application after remitting Rs. 25 to the concerned officer.

C. *Identity Card.*—(1) District Executive Officer/Additional District Executive Officer shall issue photo affixed Identity Card in Form No. 6 to the worker who got membership. If the Identity Card is lost, on submission of separate application with two passport size photos to the concerned officer duplicate card shall be issued after realizing Rs. 25 as penalty.

(2) *Cancellation of membership.*—If it is found that anybody has obtained membership by furnishing false information, the Chief Executive Officer or the officer authorised by him shall have power to cancel such membership at any time. But, in this case the membership shall only be cancelled only if the person concerned is given a reasonable opportunity to explain his part.

(3) *Transfer of membership.*—After obtaining membership if the residence is shifted permanently from one district to another district his membership can be transferred to other Districts accordingly. Separate application is necessary for the purpose. The details of the members transferred to other Districts and admitted in shall be kept in a separate register in the Concerned District Offices.

(4) The District/Additional District Executive Officer shall give one code number to each employer and a register "containing details regarding the employers shall be written and kept in Form-7 as Employers Register". Keeping the details regarding the workers working under the control of each employer, in the above register shall be helpful to ascertain the amount to be remitted by the employer to the fund.

(5) One copy of the application submitted in Form 1 and one copy in Form 3 or Form 2 as described under sub-para (3) of para 8A, shall be forwarded to Chief Executive Officer by the concerned District Executive Officer/ Additional District Executive Officer within 30 days.

9. *Procedures regarding the remittance of contribution.*—(a) As per the provisions contained in sub-para A (3) of para 8, on receipt of an order in Form 2, within 15 days, the employer shall remit to the fund, the contribution payable both by himself in the capacity as an employer and the contribution payable by the workers working under his control.

(b) The Contribution as mentioned above shall be remitted before the 10th day of every month consecutively.

A member can remit the contribution for 6 months in advance.

(c) *Employers share not to be deducted.*—No employer shall by reason only of his liability for the payment of any contribution to the fund, deduct whether directly or indirectly the wages or other benefits of any worker to whom the scheme applies.

(d) *Contribution to be remitted for the member.*—The amount of contribution payable by a member and the amount of a member's contribution paid by the employer in advance shall, notwithstanding any kind of contract, be recoverable by deduction from the wages of the worker.

10. *Default in payment of contribution.*—(a) If the employer commits default in payment of contribution for each month, he shall be liable to pay the amount with 12% penal interest.

(b) If the employer does not remit the contribution in any financial year within one month after the end of that financial year, the same amount shall be recovered with 12% interest as compound interest in the same manner as arrears of public revenue due on land.

(c) District Executive Officer/Additional District Executive Officer after ascertaining and satisfying the amount of contribution remitted by the employer, shall, submit an application to recover the arrear amount with interest due from the employer through Revenue Recovery proceedings to the concerned District Collector with required certificate.

(d) With regard to the self employed persons, if default is committed in the payment of contribution consecutively for six months, his membership will lose *suo moto*. But, if the Chief Executive Officer is satisfied that there was sufficient grounds for such default, on payment of the defaulted amount with 8% interest the membership will be revived. In the circumstance that the membership cannot be continued on reasonable grounds, the remitted amount alone shall be refunded.

#### CHAPTER-4

11A. *Administration of the fund, accounts and audit.*—(1) The amount received as contribution from the employers, workers and those who are self employed persons, the amount received as Government share the Registration fees etc. shall be credited in the name of Fund Account.

(2) Interest, interest on deposits, loan, any other kind of income etc. shall be deposited as 'Suspense Account'.

(3) An amount not exceeding 15% of the total contribution collected in a year or the contribution expected to be collected shall be separately set apart and payment shall be made on the basis of actual expenditure incurred by the Kerala Motor Workers' Welfare Fund Board towards administrative expense.

(4) The expenses required for the administration of the Fund, travelling allowances of the Board Directors, travelling allowances of the Officers, other allowances and benefits and expenses for other legal requirements of the Board, expenses for audit of accounts etc. shall be met from the administrative expenses of the Fund.

(5) No expenses shall be met from the fund for any of the functions that are not proposed in the Scheme without the prior sanction of the Government.

(6) The Chief Executive Officer or any other officer authorised by him shall be the Administrator of the fund and shall act as per the directions of the Governing body.

(7) Audit of accounts of the Fund shall be made in accordance with the directions of the Board subject to the approval of the Government.

(8) The Chief Executive Officer or any other officer authorised by him shall submit the classified brief descriptions of the assets along with annual report to the Government on the 15th day of March of every year or on any other dates to be fixed by the Government.

B. *Deposit of the Fund.*—All amount of the Fund shall be deposited in any Nationalised Bank, Government security or National Savings Certificate, with the approval of the Government.

#### CHAPTER-5

12. *Retirement Benefits.*—(1) A member who has remitted the contribution towards the Scheme without any break and completed forty years or has completed 60 years of age shall be deemed to have retired from the Scheme and shall be eligible for the retirement benefit amounting to the actual deposits made by him and the employer on his behalf together with 5 % interest thereon, as mentioned in Annexure—I.

(2) After getting membership in the scheme, if a member dies before completing the age of 60 years or is unable to work due to permanent disability, he shall be eligible for financial assistance upto Rs. 5,000 in addition to the benefits stated in Annexure—1, in proportionate to the length of service of the member in the scheme and on the basis of the certificate issued by a doctor not below the rank of a Civil Surgeon in the Government Service. Provided that, if the genuineness of the above certificate is not satisfied, the Chief Executive Officer shall have the power to refer for the opinion of the Medical Board.

(3) In case of the death of member either the nominee of the member or other legal heirs, and in case of occurring of disability the worker shall apply to the concerned District Executive Officer/Additional District Executive Officer along with the necessary records, after conducting necessary enquiry on the above application the District Executive Officer/Additional District Executive Officer shall forward the application to the Chief Executive Officer together with detailed and specific report. The power to sanctioned or reject the application shall be vested the Chief Executive Officer and the same shall be communicated to the applicant in Annexure 2-3. Accordingly when the amount is sanctioned the amount equal to 10% of the retirement benefit stated in Annexure—1 Shall be deducted as service charge from those workers who have a service of 2 years or less.

If there is objection against the order of the Chief Executive Officer under sub para (3) appeal may be preferred before the Board along with specific records, within 60 days after receipt of the order. If the Board is satisfied that there is sufficient reason for submitting the appeal the delay in filling the appeal, may be condoned by the Board. But in no case, the Board shall have power to consider the appeals submitted after 6 months.

13. (1) *Other Welfare Fund Benefits.*—In addition to the benefits stated in the above para the workers shall be entitled for, medical benefits, educational assistance for the children, financial assistance for the marriage of daughters, financial assistance for the purchase of housing plot or for the construction of house subject to the availability of funds from time to time in accordance with the decision of the Board and also subject to the approval of the Government.

(2) *Settlement of the benefits.*—At the time of payment of benefit to the member, the Governing body shall have the power to settle finally the contributions, remitted by the employer on behalf of a member after the member has completed the age of 60 years and the contribution remitted in excess or less, etc. on behalf of a member subject to the decision of the Governing body at the time of the payment of benefit to the member.

14. *Mode of payment of the amount.*—(1) All benefits as per the Scheme shall be made only through cheque.

(2) If a minor claims any amount from the Scheme as benefit, the said amount may be received by his father, or mother, or grand father or grand mother on production of relationship and guardianship certificate from the Tahsildar having jurisdiction over the area where the said minor resides. But if none of the persons mentioned above are guardian of the minor, the benefit amount shall be deposited in the name of Chief Executive Officer in a Nationalised Bank as fixed deposit, till the minor attains the age of 18, and the amount shall be given, with prior notice.

(3) The Government shall have the power to give any kind of explanation in matters related to this scheme and the decision of the Government thereon shall be final.

By order of the Governor,

C. MOHANAN,  
*Additional secretary to Government.*

THE KERALA AUTOMOBILE WORKSHOP WORKERS' WELFARE FUND  
SCHEME, 2004

[See Para 8 A]

## PART-A

1. Name of Applicant : .....
2. Surname : .....
3. Date of Birth : .....
4. Address : .....
5. Name of Father : .....
6. Marital status (Married/Unmarried) : .....
7. Nature of work (worker/self-employed person) : .....
8. Name and address of the Establishment : .....
9. Name and address of employer and nature of ownership : .....
10. If the employer is not the licensee of the establishment the name and address of the licensee. : .....
11. Total length of service related to the work in automobile workshop : .....
12. Details of fee remitted : .....

All facts stated above are true to the best of my knowledge and belief.

Date:

Signature of Applicant.

## PART-B

I hereby nominate the person/persons named below as heir/heirs to receive the amount due to me from the fund and to receive all the claims in the fund on my death.

## NOMINATION FORM

<i>Name and address of nominees</i>	<i>Relationship with the member</i>	<i>Age and date of birth</i>	<i>Amount to be paid to each nominee (Percentage)</i>

Signature of the Worker:

Name:

Certified that the above details furnished by Sri.....  
.....worker employed in my establishment is correct.

I will promptly pay the employer's contribution for each worker at the rate of (Rs. 10 per month), to a worker as specified in para 6 of the Scheme.

I hereby agree that, on failure, the amount with interest is to be recovered from me or from the establishment run by me as specified in para 10 of the Scheme.

Signature of the Employer/Person  
Authorised by the Employer.

Date:

Designation

Name and Address of the Establishment.

## PART-C

(to be filled in by the District Executive Officer)

Application is accepted/rejected.

Identity Card Number.

Date:

Office Seal

Signature of the District  
Executive Officer.

FORM No. 2  
 [See Para 8 A (4)]

**The Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004**

**PROCEEDINGS OF THE DISTRICT EXECUTIVE OFFICER**

*Present:*

*Sub.*—Order giving membership in the Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004.

*Ref.*—Application of Shri.....dated.....

Order No.....Date.....

On the preliminary enquiry conducted on your application referred to above, you are found eligible for the membership in the above Scheme. Hence you are admitted as a member of the Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004 as per this Order. Your membership number is K.A.W. 

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 This number should be shown in all future correspondence.

District Executive Officer.

Sri.....

.....

.....

*For the information of the employer:*

The Welfare Fund contribution at the rate of Rs. 10 per month for each worker shall be paid from the month of .....for the worker/workers in the establishment.....which is under your ownership and control through the District Executive Officer/Additional District Executive Officer. If the above amount become arrears it shall be recovered through revenue recovery at the rate of 12% per year with penal interest.

District Executive Officer.

Shri.....

.....

.....

Copy:

[See Para 8A (4)]

**The Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004**

**PROCEEDINGS OF THE DISTRICT EXECUTIVE OFFICER**

No.

**NOTICE**

On verification of the application submitted by you on.....date, for membership in the Kerala Automobile Workshop Workers' Welfare Fund Scheme, your application appears to be not eligible for consideration due to the following reasons.

*Reasons*

- 1.
- 2.
- 3.

District Executive Officer.

To

Sri/Smt.....

.....

.....

[See Para 8B (1)]

**The Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004**

**APPLICATION FORM TO BE GIVEN BY THE EMPLOYER  
FOR REGISTRATION**

1. Name and address of the Establishment :
2. Name and address of the Employer/ :  
Self employed person
3. Name, Address, Age, Salary, up-to-date :  
service of the workers eligible for  
registration shall be entered in the  
Schedule given below

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<i>Serial No.</i>	<i>Name and address</i>	<i>Age</i>	<i>Salary</i>	<i>Service</i>	<i>Other details</i>
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4. Details of application fee remitted:

Signature of the Employer.

Place :

Date :

[See Para 8B (2)]

## **The Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004**

## CERTIFICATE OF REGISTRATION

Register Number

As per para 8B of the Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004, the .....Establishment under your ownership/licensed by you/under your possession ..... is hereby registered in this year .....(Calendar Year).

Signature and seal of the  
Registering Authority.

### **Particulars regarding the renewal of Certificate**

[See Para 8C (1)]

**Kerala Automobile Workshop Workers' Welfare Fund Scheme, 2004****IDENTITY CARD**Register Number KAW 

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Name : [Redacted]Permanent address : [Redacted]

Photo

District : [Redacted]Taluk : [Redacted]Registration number of the : [Redacted]Establishment of the worker  
and the address of the ownerThumb impression or : [Redacted]

Signature of the worker

*District Executive Officer.*

## APPENDIX I

**Kerala Automobile Workers' Welfare Fund Scheme, 2004****RETIREMENT BENEFITS**

(Monthly subscription @ Rupees 30 per month plus interest @ 5% per annum)

<i>Completed year of service</i>	<i>Subscription of members</i>	<i>Contribution by the employer</i>	<i>Amount payable to the beneficiaries as retirement benefit</i>
(1)	(2)	(3)	(4)
1	240	120	360
2	240	120	738
3	240	120	1135
4	240	120	1552
5	240	120	1989
6	240	120	2449
7	240	120	2931
8	240	120	3438
9	240	120	3970
10	240	120	4528
11	240	120	5114
12	240	120	5730
13	240	120	6377
14	240	120	7056
15	240	120	7768
16	240	120	8517
17	240	120	9303
18	240	120	10128
19	240	120	10994
20	240	120	11904
21	240	120	12859
22	240	120	13862
23	240	120	14915

(1)	(2)	(3)	(4)
24	240	120	16021
25	240	120	17182
26	240	120	18401
27	240	120	19681
28	240	120	21025
29	240	120	22436
30	240	120	23918
31	240	120	25474
32	240	120	27108
33	240	120	28823
34	240	120	30624
35	240	120	32515
36	240	120	34501
37	240	120	36586
38	240	120	38775
39	240	120	41074
40	240	120	43488

*N.B.*—If the employer and employee make default in payment of contribution, the said employee shall not be eligible for the amount specified in the above schedule on his retirement. Such worker is eligible only for the amount remitted in the scheme for him with 5% interest thereon.